

Tennessee Department of Environment and Conservation

Division of Solid Waste Management

Storage of Solid Waste Incidental to Recycling, Reuse, Reclamation or Salvage GUIDANCE

Purpose

The intent of this guidance is to provide the Division of Solid Waste Management (DSWM) Field Offices with methodology for assessing compliance with the conditions for a permit exemption for the storage of solid waste incidental to its recycling, reuse, reclamation or salvage. One of the conditions for exemption requires storage in a manner that minimizes the potential for harm to the public and the environment. The storage of solid waste incidental to its recycling, reuse, reclamation or salvage, including non-new tires, must be conducted in a manner that does not create harm to the public or environment. An example of creating harm to the public would be the storage of non-new tires in a way that allows the pooling of water, creating breeding habitats for vectors, such as mosquitoes, which are known transmitters of the West Nile and Zika viruses.

Applicable Statutes and Regulations

The following Tennessee state statutes and DSWM Rules Governing Solid Waste Processing and Disposal are applicable to the storage of solid waste incidental to its recycling, reuse, reclamation or salvage.

T.C.A. § 68-211-103(9) defines solid waste disposal as:

"Solid waste disposal" means the process of permanently or indefinitely placing, confining, compacting, or covering solid waste;

T.C.A. § 68-211-104(3) and (4) state:

It is unlawful to:

- (3) Construct, alter, or operate a solid waste processing or disposal facility or site in violation of the rules, regulations, or orders of the commissioner or in such a manner as to create a public nuisance; or*
- (4) Transport, process or dispose of solid waste in violation of this chapter, the rules and regulations established under this chapter or in violation of the orders of the commissioner or board.*

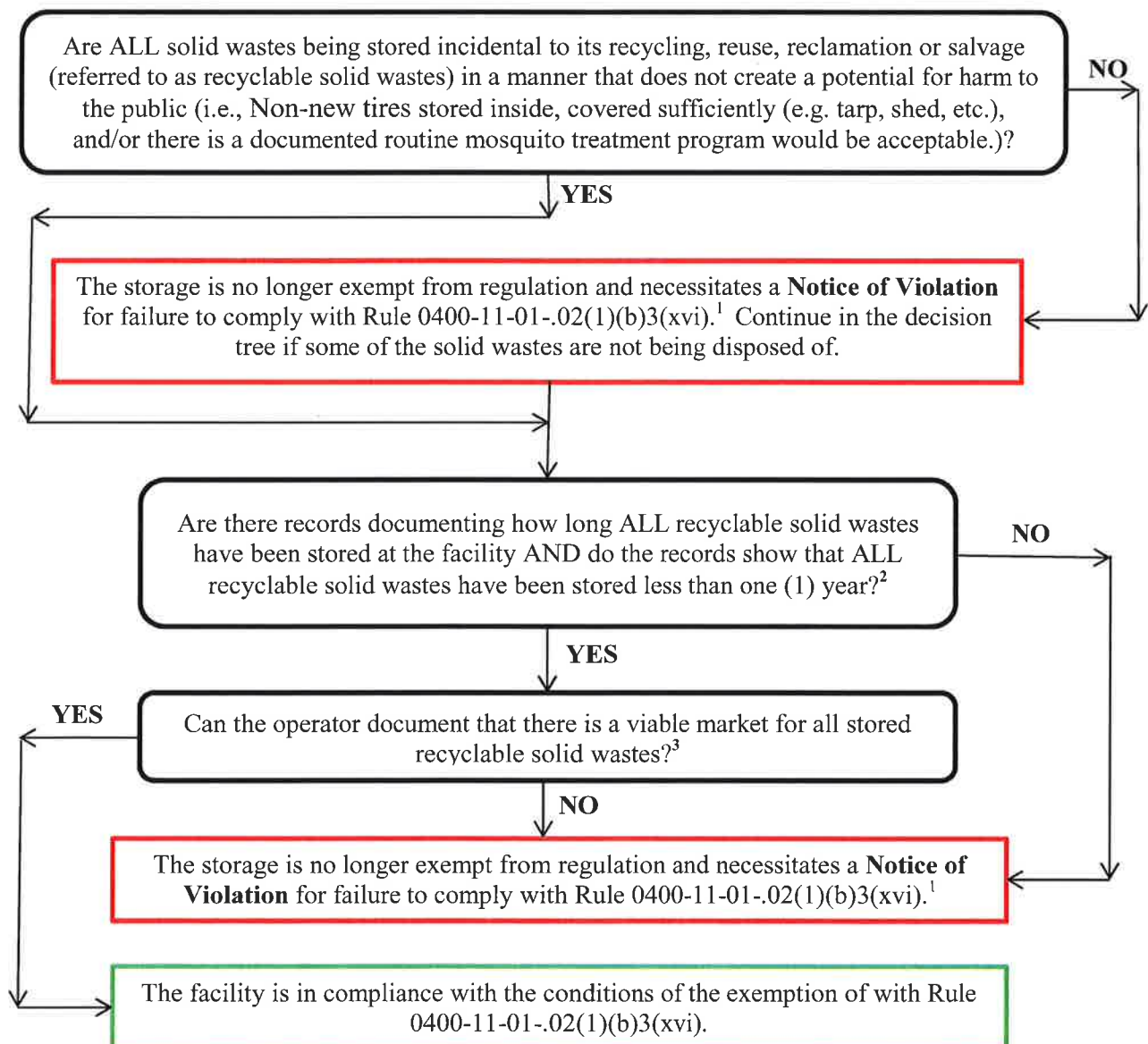
Rule 0400-11-01-.02(1)(b)3(xvi) provides the conditions for a permit exemption for the storage of solid waste incidental to its recycling, reuse, reclamation or salvage and states:

- (xvi) The storage of solid waste that is incidental to its recycling, reuse, reclamation or salvage provided that upon request of the Commissioner, the operator demonstrates to*

the satisfaction of the Commissioner that there is a viable market for all stored waste and provided that all waste is stored in a manner that minimizes the potential for harm to the public and the environment. Material may not be stored for more than one (1) year without written approval from the Division.

Decision Flow Chart

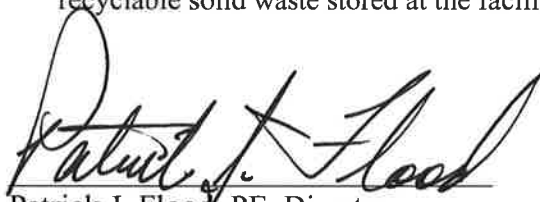
An investigation into whether the storage of solid wastes is incidental to its recycling, reuse, reclamation or salvage is conducted if the DSWM Field Office receives a complaint. DSWM staff should use the following Decision Flow Chart when conducting the complaint investigation. (Note: If there is evidence that all, or some of, the solid waste is being disposed of and the landowner exclusion is not applicable, then the owner/operator should be cited for unlawful disposal. Evidence of disposal includes solid waste placed as fill, in a ravine, saplings/heavy vegetation growing through or surrounding the solid waste, etc.)



¹ The Notice of Violation will require the action necessary, including removal from the site to an authorized offsite facility if appropriate, to correct the reason(s) for the Notice of Violation.

² The records must include: 1) The amount of recyclable solid waste stored at the facility; 2) The amount of recyclable solid waste generated onsite and received from offsite in the previous 12 months; 3) The amount of recyclable solid waste that has been sold and moved offsite in the previous 12 months; and, 4) A description of the system in place to document how long recyclable solid waste has been stored at the facility (e.g. dating tires, grouping tires by the date they were generated, etc.). Recyclable solid waste may be stored for more than a year if authorized in writing by the DSWM.

³ In addition to the information in footnote 2 above, the operator must show documentation (such as bills of sale) for all the recyclable solid waste reported as sold and that there is a market to sell ALL recyclable solid waste stored at the facility.


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Date